

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ALLEGANY CO-OP INSURANCE  
COMPANY a/s/o Dimora Properties LTD.,

Plaintiff,

v.

ORDER  
09-CV-626A

DOMINIC DIMORA,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 15, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to dismiss is granted. Defendant's motion to amend the answer (Dkt. No. 21) is denied. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: November 9, 2009